



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**VIA ELECTRONIC MAIL**

Bradley Leslie, Chief Engineer  
WV Division of Natural Resources  
324 4<sup>th</sup> Ave.  
South Charleston, WV 25303  
[Brad.S.Leslie@wv.gov](mailto:Brad.S.Leslie@wv.gov)

RE: CWA Section 308 Information Requirement

Dear Mr. Leslie:

The United States Environmental Protection Agency ("EPA") hereby requires that Canaan Valley Resort State Park ("Canaan Valley") provide certain information regarding the Canaan Valley Wastewater Treatment Facility located at 1900 Kanawha Blvd East, BLDG 3, Charleston, WV 25305. EPA requires this information as a part of its investigation of Canaan Valley's compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Canaan Valley is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that Canaan Valley asserts a claim of business confidentiality with respect to any document, Canaan Valley should provide EPA with a redacted version of the document which does not contain any claimed business confidential information, and which can be distributed to the public, if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality

claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to Canaan Valley.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

EPA is cognizant of potential worker shortages due to the COVID-19 pandemic as well as the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors. Due to the uncertainty surrounding the COVID-19 public health emergency, we understand that Canaan Valley may not have complete information at this time. In that case, Canaan Valley should provide a partial response within 30 days with all available information and a detailed explanation of the circumstances that prevent Canaan Valley from providing a complete response. Canaan Valley shall then submit a final response when complete information is accessible. If Canaan Valley submits a partial response, please indicate that a complete response will follow.

If you have any factual questions concerning this information request, please contact Monica Crosby at (215) 814-5659.

Sincerely,

Richard A. Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division

Enclosures

cc: Brad Wright, WVDEP ([Brad.M.Wright@wv.gov](mailto:Brad.M.Wright@wv.gov))  
Monica Crosby, EPA ([crosby.monica@epa.gov](mailto:crosby.monica@epa.gov))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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In the Matter of:

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Proceeding under Section 308 of the  
Clean Water Act, 33 U.S.C. § 1318

Canaan Valley Resort State Park  
1900 Kanawha Blvd, BLDG 3  
Charleston, West Virginia 25305

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**INFORMATION REQUIREMENT**

Respondent

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**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Canaan Valley Resort State Park (“Canaan Valley”, “Respondent”) to provide the information specified below.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
  - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - c. any requirement under Section 308 of the CWA; and

- d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
- 3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
- 4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
- 5. This Information Requirement does not preclude EPA from performing inspections.

### **III. INSTRUCTIONS**

- 6. Provide a separate narrative response for each question set forth below and for each subpart of each question.
- 7. Identify each answer with the corresponding number of the question and subpart to which it responds.
- 8. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
- 9. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
- 10. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
- 11. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
- 12. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of Canaan Valley and authorized to respond on behalf of that entity.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."*

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

13. All information shall be submitted within thirty (30) days of receipt of this Information Requirement electronically to:

Monica Crosby  
Enforcement and Compliance Assurance Division  
United States Environmental Protection Agency, Region III  
1650 Arch Street (3ED32)  
Philadelphia, PA 19103-2029  
[Crosby.Monica@epa.gov](mailto:Crosby.Monica@epa.gov)

If you are unable to send requested documentation electronically, please contact Monica Crosby via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

14. If you have questions regarding this Information Requirement, you may contact Monica Crosby of the Enforcement and Compliance Assurance Division at [Crosby.Monica@epa.gov](mailto:Crosby.Monica@epa.gov) or (215) 814-5659.

## **V. INFORMATION REQUIREMENT**

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

### **Facility: Canaan Valley Resort State Park**

15. Provide a narrative description of Canaan Valley Resort State Park Wastewater Treatment Facility, located at 1900 Kanawha BLVD East, BLDG 3, Charleston, WV 25305; operational processes; and water pollution control equipment. Include in your response a site map that includes all outfall locations.
16. Attached is a spreadsheet with effluent exceedances identified in EPA's data systems for the period January 31, 2015 through June 30, 2020 and based on discharge monitoring reports (DMR) submitted by Canaan Valley (Attachment 1). Please identify any additional effluent exceedances for the period of January 31, 2015 through June 30, 2020 not identified on the spreadsheet and provide a certification as to the accuracy of the spreadsheet and any additions pursuant to Paragraph 12.

17. For each exceedance identified in Paragraph 16, provide a detailed narrative description of the cause of the exceedance and any measure you have taken or intend to take to correct the exceedance or prevent future exceedances. Include completed or scheduled dates for each identified measure. If applicable, include detailed noncompliance notifications submitted to West Virginia Department of Environmental Protection (“WVDEP”).
18. Provide copies of any documents identified in or in support of your responses to questions 15-17, including copies of DMRs for violations identified in Paragraph 16.
19. Provide any additional information related to violations that impact the current compliance status at Canaan Valley Wastewater Treatment Facility, then those exceedances identified in Paragraph 16.

## **VI. EFFECTIVE DATE**

This INFORMATION REQUIREMENT is effective upon receipt.

Date: \_\_\_\_\_

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Richard A. Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division